

51023/0028
cc: Wayne
Task: 3320



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
FILLMORE FIELD OFFICE

95 East 500 North
Fillmore, Utah 84631



In Reply Refer to:
3809 (UTW02000)
UTU-70617

December 1, 2010

CERTIFIED MAIL # 7010 1670 0000 7621 8206
RETURN RECEIPT REQUESTED

Loy Crapo
PO BOX 1113
DELTA, UT 84624

-Decision-

Notice Expired - Reclamation Required

Dear Mr. Crapo:

The Fillmore Field Office (FFO), Bureau of Land Management (BLM) received a proposed notice level operation in 1991 that is located in T 11 S., R. 11 W., SLB&M, sec 29, T. 11 S., R. 12 W., SLB&M, sec 1, 4, and 12, and serialized as UTU-00617. UTU-070617 was extended on October 1, 2002 and consequently expired on October 1, 2004.

Reclamation responsibilities extend beyond the expiration of your notice until such a time as the BLM determines that the reclamation is satisfactorily complete. Failure to begin reclamation promptly or to conduct reclamation to BLM specified standards is subject to the enforcement actions specified in 43 CFR 3809.601 to 3809.701.

Pursuant to 3809.300 (d), you may not conduct any operations under an expired notice. If you wish to continue operations you must comply with current surface management regulations and submit a new notice, for exploration activities, or a plan of operations, for mining activities. Reclamation may be postponed if you file a new notice or plan of operations with the FFO pursuant to 43 CFR 3809.301 within 30 days from the receipt of this decision. The new notice or plan of operations and an acceptable financial guarantee must be accepted by the FFO prior to commencing any operations. If the newly submitted notice or plan of operations is not accepted, or you do not timely post the appropriate financial guarantee as requested for either a notice or a plan, you must begin reclamation within 30 days of the BLM's decision finding that the new notice or plan or financial guarantee is incomplete or unacceptable.

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DIV. OF OIL, GAS & MINING

If you do not pursue operations within the project area within 30 days of the receipt of this decision, reclamation must begin on the 31st day, and be completed at the earliest feasible time, unless you contact the FFO and gain approval to postpone commencement.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.800, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:

Utah State Office
Bureau of Land Management
P.O. Box 45155
Salt Lake City, Utah 84145-0155,

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office
Bureau of Land Management
95 East 500 North,
Fillmore, Utah 84631

Your notice of appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43

CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

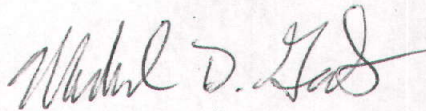
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants success on the merits,
3. The likelihood of immediate and irreparable harm in the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions or concerns please feel free to contact Jerry Mansfield, Geologist, Fillmore Field Office, at (435) 743-3125.

Sincerely,



Michael D. Gates
Field Office Manager

Enclosures:

Form 1842-1
Plan Requirements

cc:

Wayne Western
UDOGM (S/027/028)
1594 W North Temple Ste 1210
SLC, UT. 84114-5801